

## **BOARD OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
(916) 653-8007  
(916) 653-0989 FAX  
Website: [www.bof.fire.ca.gov](http://www.bof.fire.ca.gov)



### **MINUTES BOARD OF FORESTRY AND FIRE PROTECTION August 3 and 4, 2004 Sacramento, California**

#### **BOARD OF FORESTRY MEMBERS PRESENT:**

Stan Dixon, Chairman  
Kirk Marckwald, Vice Chair  
Mark Bosetti  
Susan Britting  
David Nawi  
Tharon O'Dell  
Gary Ryneerson

#### **BOARD STAFF:**

George Gentry, Executive Officer  
Eric Huff, Executive Officer, Foresters Licensing  
Donna Stadler, Executive Assistant  
Laura Estrada, Office Technician  
Chris Zimny, Regulations Coordinator  
Mark Hite, Committee Staff

#### **DEPARTMENTAL STAFF:**

Dale Geldert, Director, Forestry and Fire Protection  
Bill Snyder, Deputy Director, Resource Management  
Ernylee Chamlee, Staff Chief, Forestry and Fire Protection

#### **CALL TO ORDER**

Chairman Dixon called the August 2004 meeting to order.

#### **REPORT OF EXECUTIVE SESSION**

Mr. George Gentry, Executive Officer for the Board, commented that there were no items to report from the Board's Executive Session.

#### **APPROVAL OF MINUTES**

Chairman Dixon asked the Board to consider approval of the July 2004 minutes.

**04-8-1** Ms. Britting moved to approve the July 2004 minutes as amended. Mr. Ryneanson seconded the motion, and all were in favor.

### **CONSENT CALENDAR**

There were no items to report.

### **REPORT OF THE CHAIRMAN**

Chairman Dixon commented that he had no items to report.

### **REPORT OF THE DIRECTOR**

Ms. Ernylee Chamlee, Staff Chief for Fire Protection, provided a brief update on the operations side of the Department. Last week there were 464 fires totaling 2,311 acres, which did not include the Straylor incident, since that was a Federal Fire. In addition, she provided an update on the injured firefighter, Bill Baxter. He had knee surgery and lumbar surgery and is expected to be released on Friday.

### **PRESENTATION ON THE BLUE RIBBON COMMISSION REPORT**

Mr. George Gentry, Executive Officer for the Board, commented that this report would be provided next month.

### **REPORT OF THE OAK MORTALITY TASK FORCE (COMTF)**

Mr. Mark Stanley reported for the COMTF. He reported that there are a number of states that have instituted more stringent quarantine regulations on California than the federal regulations, which forces the state to enforce a federal quarantine. Mexico is considering instituting quarantine on Douglas firs, which will affect Christmas tree sales in Mexico. He reviewed the COMTF report in the Board's binder. A copy of that report is available at: <http://suddenoakdeath.org>

### **UPDATE AND REVIEW OF ONGOING PROJECTS UNDER THE BOARD'S EMERGENCY FUEL HAZARD REDUCTION RULE**

Mr. Paul Violet, representative from Soper Wheeler, was pleased with the Board's decision on adopting the Emergency Hazard Reduction Rule.

Mr. Jason Worshow, representative from Soper Wheeler, went over the Power Point Presentation on Emergency Fuel Hazard Reduction. He stated that this was a good rule by the Board and believes that it will improve the overall health of the forest.

Mr. Chris Zimny, Regulations Coordinator, played the media interviews regarding the emergency rules for the Members.

Mr. Paul Mason, Sierra Club, commented on crown fire behavior vs. sustained crown fire behavior. He commended the media coverage. He also commented that the reporters are really beginning to understand the issues and are asking better questions.

Mr. Dan Weldon, Forest Land Owners of California, wanted to know whether the small landowners could take advantage of this emergency rule or would they work through their Fire Safe Counsel to take advantage of it.

Mr. Jason Worshow commented that the small landowners would be able to take advantage of the rule, but it would depend on how much money they are willing to spend. It will be a higher price per acre, but they would not have to write a THP.

Mr. Jay Watson, representing the Wildland Fire Program at the Wilderness Society, expanded on Mr. Weldon's comments regarding small landowners. There are equipment needs and financial considerations, but there are programs available to small landowners. They are currently working with Senator Feinstein to restore funding for these programs that are specifically designed to assist smaller landowners. He suggested that any influence the Board or the state could exert to see that these programs are funded would greatly enhance community protection in California.

#### **REPORT OF STATE AGENCIES: INCLUDING STATE WATER QUALITY CONTROL BOARD, DEPARTMENT OF FISH AND GAME, GEOLOGIC SURVEY**

Mr. Gaylon Lee, State Water Quality Control Board (SWQCB), referred to the SWQCB's new policy papers on 303d listed waterbodies and Non-point Source Pollution in the Board's binder and reviewed them for the members. Information on these policies are available at: [www.swrcb.ca.gov/resdec/resltn/2004/rs2004-003.pdf](http://www.swrcb.ca.gov/resdec/resltn/2004/rs2004-003.pdf)

#### **REGIONAL WATER QUALITY CONTROL BOARD WAIVER UPDATE**

Katherine Kuhlman, Executive Officer, North Coast Regional Water Quality Control Board, (NCRWQCB), gave an update on policy goals and putting a Waiver on Water Discharge Requirements (W.D.R.). Some of the items that were discussed were to move permitting for timber to a watershed basis, and to put in writing what the guideposts are for water quality. The Waiver would be designed for low impact operations. She commented that they would be issuing a number of individual watershed-wide/property-wide WDR's. The first will be a WDR on Elk and Freshwater with Pacific Lumber and Green Diamond this fall. A hearing to adopt the Water Board's first watershed WDR is scheduled for November 29, 2004. .

Ms. Holly Lundborg, State Regional Water Quality Control Board, provided information regarding the Categorical Waiver of Waste Discharge Requirements.

#### **CONSIDERATION OF A RESOLUTION SUPPORTING SB812 FOREST PROTOCOL GUIDANCE FOR THE CALIFORNIA CLIMATE ACTION REGISTRY**

Mr. Doug Wickizer, Environmental Protection and Regulation, Department of Forestry and Fire Protection, provided an update on the Resolution supporting SB812. He commented that this is a voluntary Registry and it does have sub-protocols that are completed and drafted and available to the Board under California Energy Commission website. Mr. Wickizer, read the resolution into the record.

#### **PRESENTATIONS AND DISCUSSIONS REGARDING THE FIRE AND RESOURCE ASSESSMENT PROGRAM POLICY STATEMENT PER PRC 4789**

Mr. Bill Keye, California Licensed Forestry Association, (CLFA), gave a Power Point Presentation on FRAP Assessment.

Mr. Erik Jensen, representing Palco, had a Power Point Presentation on Education and Outreach Policies that Palco believes should be included on the Board's policy statement.

Mr. Adrian Miller, representing Palco, provided a presentation on government & policy decisions.

Mr. Paul Mason, Sierra Club, had a Power Point Presentation on key issues facing California Forest Practices. He discussed maintaining structure across the landscape and rate of harvest at a localized level and protecting and restoring the riparian areas. He also commented that it was important to prevent additional conversion of forestland and focusing on fuels reduction and fire prevention in California.

Mr. Rynearson wanted to know if CLFA had recommendations on the three areas.

Mr. Keye commented that there will be a summary on what they discussed, but it will be more in depth.

Mr. Gentry commented that a stand-alone hearing will be held in Redding or Red Bluff.

**(CONTINUED) CONSIDERATION OF A RESOLUTION SUPPORTING SB812 FOREST PROTOCOL GUIDANCE FOR THE CALIFORNIA CLIMATE ACTION REGISTRY**

Ms. Lori Wayburn, representing Pacific Forest Trust, discussed the Resolution supporting SB812. She commented that the Board of Forestry endorsing these protocols would signal that it supports incentive-based approaches to supporting private landowners achieving their goals of maintaining and stewarding their forest. The Board's action today would help other State Agencies as they look at these protocols moving forward to October. She commented that she would like the Boards support and endorsement.

Mr. O'Dell wanted to know about the language that was used regarding one of the statements on contribution for base management from California native forest. It seemed to infer that those forests that originate through artificial regeneration are un-native in some way and the option that they produce in some way is different.

Ms. Wayburn responded by stating that if you look at the protocol, it refers to forest types that are native to California, it does not have anything to do with whether it is natural or artificial regeneration.

Mr. Nawi supports the resolution and suggested that additional "whereas" should be included to indicate that the loss of forest is the second largest source of CO2 emissions in the state. He believed that by adding that, it would increase public awareness. Ms. Wayburn agreed.

**04-8-13** Mr. Marckwald moved to adopt the resolution. Mr. Nawi seconded the motion and finalized the motion. All Board members were in favor.

Mr. Nawi stated that he would have minor editorials before the resolution would become finalized.

**DISCUSSION REGARDING THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) AND MANAGEMENT PLAN FOR JACKSON DEMONSTRATION STATE FOREST**

Mr. George Gentry, Executive Officer for the Board, commented on the work that has been proceeding on the administrative draft of the (DEIR). At this time, they do not have sections to submit to committee for review.

Mr. Christopher Rowney, Deputy Chief, Resource Management, reviewed various sections of the Environmental Impact Report (DEIR). He commented that there are certain elements that are in draft stages presently being reviewed by the lead individuals of the team. Once they repair the difficult areas, they will be providing them to the Executive Officer for disposition as deemed appropriate. He is hopeful that an Administrative Draft will be ready by late September.

**Public comments**

Mr. Jere Melo, Mayor of the City of Fort Bragg, commented on the importance to Fort Bragg that the Jackson State Forest gets back in operation in 2005. The economic effect of resuming timber harvest at some level is

important. Those funds go to the State's General Fund and various programs. Timber-yield taxes that are not being paid and have a substantial effect on the school districts. Mr. Melo requested that updates be provided to Fort Bragg City Council.

Mr. Nawi explained that this was the Board's project, not the Department's and believes that whoever provides the status report to the City Council in Fort Bragg, should be explicit that it is a Board of Forestry project and that this report is being given on behalf of the Board.

Mr. Rowney indicated that in the Board of Supervisors (BOS), meeting last week in Mendocino County, that but he identified clearly that it is a Board of Forestry project and not the Departments.

Mr. Paul Mason, representing the Sierra Club, commented that SB 1648 was heard in appropriations today (JDSF) and he believes it was put on suspense.

## **REPORT OF THE ADVISORY COMMITTEES**

### **CALIFORNIA FOREST PEST COUNCIL (CFPC)**

Nothing to report

### **RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)**

Mr. George Gentry, Executive Officer for the Board, reported that the Range Management Advisory Committee is meeting later this month to finalize its Oak Woodlands report.

### **MONITORING STUDY GROUP (MSG)**

Mr. Tharon O'Dell, reported that the Monitoring Study Group did not meet. Their next scheduled meeting is set for September 16, 2004, at 10:00 a.m. at Howard Forest.

### **PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)**

Mr. Eric Huff, Executive Officer for Licensing, commented that the PFEC would be meeting on September 9<sup>th</sup>, 2004 in closed session to review the draft for the Registered Professional Forester's (RPF) October examination, as well as disciplinary matters. Beginning in October, the PFEC chairman will be making, more routinely, reports to the Board.

Mr. Huff referred to the RPF Stats in the binder and requested Board action on the license withdrawal of Michael Rice, RPF 662 and James Boynton, RPF 1490.

**04-8-16** Mr. Marckwald moved to approve the above RPF withdrawals. Mr. Rynearson seconded the motion, and all were in favor.

### **REPORT OF THE SENSITIVE WATERSHED NOMINATIONS REVIEW COMMITTEE (SWNRC)**

Mr. George Gentry, Executive Officer for the Board announced that the next Sensitive Watershed Nominations Review Committee would not meet until September 23, 2004, and that there was no report at this time.

Mr. Nawi, commented that on July 26, 2004 he and the Executive Officer held a teleconference meeting with Mark Lovelace, representing the Humboldt Watershed Council (HWC), regarding the HWC letter to the Board, dated July 13, 2004. The concerns expressed involved the selection process for committee members and the lack of public awareness as to the whole process. He asked that the Board consider these concerns.

Chairman Dixon commented that in an effort to prevent this issue from occurring in the future, regarding Sensitive Watershed Nominations, he believed it would be appropriate for the Board to request its representatives to provide a definitive answer on this issue.

Mr. Dixon asked the Board's Counsel to provide a definitive answer on this.

Mr. Bruce Reeves, Deputy Attorney General Counsel for the Board, responded that it is the Boards responsibility to appoint commission.

Mr. Ryneanson, wanted to know if the Board was asking its Executive Officer to formulate a report as to how the selection process for the current committee was done, or is it asking him to develop a layout of the process generically for how committees for the Sensitive Watersheds are selected.

Chairman Dixon responded by saying that they are asking about the generic selection process for the committee selection.

Mr. Richard Geinger, HWC, read a letter from Mr. Lovelace into the Record.

### **FOREST PRACTICE COMMITTEE (FPC)**

Ms. Sue Britting, Chair of the FPC, commented that the Committee had a brief discussion regarding the Heritage Tree Disclosure.

Ms. Britting commented that the Committee discussed the Emergency Fuel Hazard reduction vs. creating a permanent rule, and the Transitional Silviculture method. There was no action on this latter issue, and it will be back on the agenda in October. Ms. Britting announced that she received an August 2004 draft copy of the Stewardship NTMP.

### **POLICY AND MANAGEMENT COMMITTEE (PMC)**

Mr. Tharon O'Dell, Chair of the PMC, commented that the Committee met and discussed the FRAP Assessment Policy Statements. RMAC has not met since the last Board meeting, so there was not anything to report. RMAC will be meeting on August 24 and 25, 2004, and at that time, they will go over the internal drafts and follow-up with the Board. They will provide the Board with recommendations on the Oak Woodlands policy. The Committee also went over the Performance Based Practice Rules. There was also some discussion on the La Malfa and Chesbro Bills. The Committee discussed the Variable Retention issue.

### **AD HOC ROADS AND WATERSHED COMMITTEE**

Mr. Gary Ryneanson, Chair of the *Ad Hoc* Committee, reported that the Roads Management Plan package has been completed. They are still discussing the proper title. The Committee supported sending the package to the full Board with consideration in releasing it for a 45-Day Notice as soon as possible. If that happens, they are still unlikely to have a 15-Day notice option. If it is enacted this year, it will come into effect January 2005. Mr. Ryneanson suggested that the Board support the 45-Day Notice based on Committee recommendation.

Chairman Dixon indicated that the Board would take this issue up during the Rules Coordinator report.

### **RESOURCE PROTECTION COMMITTEE MEETING (RPC)**

Mr. Mark Bosetti, Chair of the RPC, commented that Mr. Ken Pimlott, Staff Chief with the Department of Forestry, has been assigned to assist the Resource Protection Committee as a liaison with the Fire Plan and other related items. Mr. Bosetti commented that the Department is currently trying to fill the camps that are currently unfunded and to help staff them with 19 crews. The Department had a report on a particular issue on the approach that they are taking on the Blue Ribbon Commission's recommendations internally. This was further discussed. A status report of the State Nursery program was given. The Department provided the Committee with a flyer on a workshop that is being jointly sponsored by the California Fire Alliance and the California Fire Safe Councils. A report by the Department was given on the SRA Fees. The fee has been eliminated and will not be collected. The Department also gave a report on Prop 40 funds, which has a detailed layout on the budget change proposal that is in the Board's binder under the RPC tab.

## **REPORT OF THE REGULATIONS COORDINATOR**

Mr. Chris Zimny, Regulations Coordinator, went over the Fire Prevention Clearing Standards. It was decided during the RPC meeting that it would be a Department process regulation as opposed to a Board's rulemaking process in hearings. He commented that the SRA re-classification has been deferred.

Mr. Zimny reported that the Road Management Plan is a permanent rule that would be sent to OAL. This does not provide time for a 15-day review (allowing for adoption this year), unless the request is made to have it expedited.

Mr. Ryneason commented that the Committee did complete the review of the Road Management Program. The review included input from the California Geological Survey, the Department of Fish and Game and the State Water Quality Board, as well as written comments from CDF and the North Coast Board. He indicated that this has provisions for a stand-alone document, which essentially means it would be a separate document. He suggested that the Board go with a 45-Day Notice and that the Board authorize the Chairman of the Committee and staff to make minor changes to prepare the package to send to OAL.

Ms. Britting commented on the resolution of the plan and the program as a project and how that it would fit into the Water Quality Waivers.

Mr. Ryneason commented that this issue has not yet been resolved.

Mr. Paul Mason, Sierra Club, reported that the issue is on timing. He encouraged the Board not to rush things on this major rule package.

Mr. Zimny, went over the Fuel Hazard Regulation and specified that there are two specific components to this regulation. The first component is the time frames of those rules and the other is the additional rule edits that the Committee has been working on. The discussion in the Committee was a recommendation for a permanent rule. Mr. Zimny indicated that in order to get this permanent rule adopted it would be necessary to extend the emergency rule, which expires in October. If a certificate for a permanent rule is sent to OAL, prior to expiration of the Emergency Rule, the emergency rule would carry throughout 2005 and the Rule would become permanent in 2006. There was further discussion.

Mr. Bruce Reeves, Deputy Attorney General Counsel for the Board, made some comments regarding the La Malfa Bill.

Mr. Zimny, Regulations Coordinator, commented that there were three 3 additional language related topics that the Committee recommended be done on any extension of the Rule. The first would be a Sunset date 2008 and sample mark language and Fire Plan specifications. The rule language amendments are in the Board's binder.

## **Public comment**

Mr. Jay Watson, commented that permanent authority is very important and is needed. He believes that with permanent authority the Board would have a wider array of landowners other than large landowners taking

advantage of the program. He commented that it would be advisable to maintain authorities in place on a temporary basis and once La Malfa passes then the Board would have a chance to issue rules that implement that legislation.

Mr. Mason, went over the emergency conditions.

Mr. Paul Violet, Soper Wheeler, commented that he would like for the Board to notice the permanent rule language and extend it for a minimum of three years.

Mr. Dan Weldon, Forest Land Owners of California, commented that the Board clearly needs to differentiate the permanent rule from La Malfa.

Mr. Rynearson made a recommendation to move forward with the 45-Day package with the recommended additions and he believed that this would give the greatest flexibility in September or October, so that the Board could then issue a new emergency. By that time, it would know the status of the La Malfa bill.

Mr. Marckwald suggested that the Board wait and see if La Malfa is passed and signed. He commented that by the October Board meeting the status of the La Malfa bill should be known. If it passes, and the Board believes that some of the verbiage does not address some of the things that are allowed in our Emergency Regulation, the Board could issue a new emergency notice and, at the same time, do a new 45-Day Notice to make it permanent.

Mr. Nawi commented that the Board should not move forward and notice the permanent regulation with the changes that were mentioned. He opposes the motion on moving forward with the 45-Day Notice at this time.

**04-8-1** Mr. Rynearson moved to approve the 45-Day Notice send it to OAL.

Mr. O'Dell seconded the motion, and a roll call vote was taken.

Bosetti	Aye
Marckwald	Nay
Nawi	Nay
Rynearson	Aye
Britting	Nay
O'Dell	Aye
Dixon	Aye

The motion carried by a 4-3 vote.

### **EXECUTIVE OFFICERS REPORT**

Mr. George Gentry, Executive Officer to the Board, announced that the September Board meeting would be held at the Resources Auditorium on August 31, September 1st and 2nd, 2004. He had nothing further to report.

**PUBLIC FORUM:** Members of the public may address the Board on any topic within its jurisdiction not otherwise on the agenda. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Board. Please be prepared to summarize comments to three minutes in length, or otherwise at the discretion of the chairman.

Mr. Dan Weldon, Forest Land Owners of California, (FLOC), announced that the FLOC was having some field days. On August 21, 2004, the day would begin at Ron and Carol Michener's Tree Farm in Zenia, Trinity County; they are the 2003 California Tree Farmers of the year. The other field trip will be at Philips Tree Farm and Steam Mill; they manufacture the wooden boxes that wine is contained in for wineries. This field trip will be September 25, 2004, in Oak Run near Redding.



Mr. Gentry asked if FLOC would email the information to him so he could mail it to the Board members. Mr. Weldon indicated that flyers were available.

Mr. Richard Gienger, reported that the July minutes had the Buckeye Forest Project Watercourse Workshop as being August 23, but should have read July 23<sup>rd</sup>. The weekend of August 13 to the 15, 2004 is the Taylor State Park in Marin County focusing on Albany State Creek and similar co-habitat. A Conference Workshop that was held focused on fire safe issues with the Fire Safe Council. It gave an awareness of forestry issues and watershed restoration issues. The Parks and Recreation will be providing public tours in the fall. Mr. Geinger encouraged the Board to be aware of and try to get a pilot project for a cumulative watershed process. He also commented that the Cumulative Watershed handout that was presented by Mr. Snyder should be made available to foresters preparing harvest plans. He also went over Fish and Game's claims and exemptions. He encouraged the Board to follow through with the Coho recovery. He recommended having CDF, Fish and Game, and other appropriate stakeholders to get together and get a monitoring process for plans that could impact Coho. He commented that there is a need to have a credible monitoring process.

Mr. George Gentry, Executive Officer for the Board, thanked Mr. Geinger for reporting on the Buckeye Workshop.

Mr. Paul Violet, Soper Wheeler, invited the Board to come visit Soper Wheeler. They would be happy to provide a tour on the project area and other similar project areas so that the Board could see what Soper Wheeler has been doing on the ground.

Mr. Paul Mason, Sierra Club, commented on what Mr. Rynearson mentioned on the Fuels Emergency Exemption.

### **NEW AND UNFINISHED BUSINESS**

Mr. Rynearson, gave a report on the Buckeye Watershed workshop that he attended. He encouraged the Board members to visit the tours that the State Parks and Recreation would be having in the fall.

Mr. Marckwald, requested that the attorney representative make calls on the preemption issues, so in October if there is Legislative action the Board we would be informed on the choices that it ultimately would be making.

Ms. Britting made a comment on Federal Funding on Fire Safe Counsels.

### **ADJOURNMENT**

Chairman Dixon adjourned the August 2004 meeting of the Board.

Respectfully submitted,

ATTEST:

George D. Gentry  
Executive Officer

Stan Dixon  
Chairman

Copies of the attendance sheets can be obtained from the Board Office.